



CMP(MD). No.1942 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/02/2026

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

**CMP(MD). No.1942 of 2026
in CRP(MD)No.SR69104 of 2025**

1. M.K.Kannathasan,

2. K.Kokila,

3. M.K.Suresh,

... Petitioners

Vs.

1. L.Parthiban,

M.Thiagarajan Chettiar (Died).

2. The Sub Registrar,
Madurai North,
Income Tax Office,
Madurai.

3. Madurai Corporation,,
Through its Commissioner,
Anna Maaligai,
Alagarkovil Road,
Madurai - 2.

4. The District Collector,,
District Collector Office,
Madurai.

... Respondents



CMP(MD). No.1942 of 2026

PRAYER :- This Petition is filed under Section 5 of the Limitation Act, to condone the delay of 857 days in representing the above Civil Revision Petition in C.R.P.(MD).SR.No.69104 of 2023 before this Court.

For Petitioner : Mr.M.Saravanan,

ORDER

This Petition is filed to condone the delay of 857 days in representing the above Civil Revision Petition in C.R.P.(MD).SR.No.69104 of 2023.

2. The learned counsel for the petitioner submits that the Registry has raised a question of Maintainability. In this regard, he relied upon the judgment of the Hon'ble Supreme Court in the case of *The Koushik Mutually Aided Cooperative Housing Society V. Ameena Begum & Another (in Special Leave Petition (C) No.5489 of 2021)*.

3. The learned counsel also relied upon the judgment of the Hon'ble Supreme Court reported in *2025-9-SCC-716 (C.Prabhakar Rao and Another V. Sama Mahipal Reddy and Another)* and the relevant paragraphs are extracted hereunder:



WEB COPY



CMP(MD). No.1942 of 2026

9. *In view of the dismissal of the application for condonation of delay, the Trial Court, without any further consideration and as if it is a natural consequence, proceeded to dismiss I.A. No. 1163 of 2021 for setting aside the ex-parte decree.*

17. *The High Court exercised its revisional jurisdiction and came to the conclusion that the delay in filing the application in setting aside the ex-parte decree should be condoned. We are not inclined to interfere with this order in exercise of our power under Article 136 of the Constitution. However, the later portion of the above referred order is unsustainable as the High Court proceeded to automatically restore the suit and directed the Trial Court to dispose of the suit expeditiously.*

4. The Hon'ble Supreme Court by exercising its power under Article 136 of the Constituion of India has stated that the High Court has exercised its revisional jurisdiction and came to the conclusion that the conclusion that the delay in filing the application setting aside the *ex parte* decree should be condoned. The Supreme Court declined to interfere with the order.



CMP(MD). No.1942 of 2026

WEB COPY

5. Apart from that the learned counsel for the petitioner relied upon the order passed by this Court in CRP(MD)No.666 of 2023 (Ravikumar (died) and others V. Thankiah), dated 20.11.2025 and this Court passed the following order:

“6. A perusal of the order as extracted above would clearly indicate that the remedy available against the order dismissing an application for condonation of delay and the remedy available against the order dismissing an application to set aside an ex parte decree are independent and these remedies should not be allowed to subsume one other. The same would indicate that when the application to condone the delay in setting aside the ex parte decree is dismissed, even if the consequential order is passed, the revision against the order would be available and the petitioner cannot be directed to avail the appellate remedy even as against the order dismissing the condonation petition.”

6. In view of the same, the Civil Revision Petition is maintainable. Satisfied with the reasons stated in the affidavit filed in support of this petition, this Petition is allowed and the delay is condoned. The registry



CMP(MD). No.1942 of 2026

is directed to number the Civil Revision Petition, if it is otherwise in order and list the same “for admission”.

17.02.2026

LS

TO

1. The Sub Registrar,
Madurai North,
Income Tax Office,
Madurai..

2. The Commissioner,
Madurai Corporation,,
Anna Maaligai,
Alagarkovil Road,
Madurai - 2.

3. The District Collector,,
District Collector Office,
Madurai..



WEB COPY



CMP(MD). No.1942 of 2026

N. SENTHILKUMAR,J

LS

**CMP(MD). No.1942 of 2026
in CRP(MD)No.SR69104 of 2025**

17/02/2026